

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division

OZELIA HICKS, JR.,

Plaintiff,

v.

Civil Action No. 3:19CV829

JEFFREY KATZ, et al.,

Defendant.

**MEMORANDUM OPINION**

Ozelia Hicks, Jr., a Virginia inmate, submitted this civil action and applied to proceed in forma pauperis. The pertinent statute provides:

In no event shall a prisoner bring a civil action [in forma pauperis] if the prisoner has, on 3 or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.

28 U.S.C. § 1915(g). Hicks, a frequent litigant in this Court, has at least four actions or appeals that have been dismissed as frivolous, malicious or for failure to state a claim upon which relief could be granted. See Hicks v. Clements, No. 3:17CV851, 2018 WL 5798531, at \*3 (E.D. Va. Nov. 5, 2018); Hicks v. Khawaja, No. 3:17CV853, 2018 WL 3130395, at \*3 (E.D. Va. June 26, 2018); Hicks v. Darron, No. 3:17CV807, 2018 WL 3059603, at \*3 (E.D. Va. June 20, 2018); Hicks v. Payne, No. 3:17CV805, 2018 WL 3059602, at

\*3 (E.D. Va. June 20, 2018). Hicks's current complaint does not demonstrate that he is in imminent danger of serious physical harm.

Accordingly, this Court will dismiss the action without prejudice. If Hicks wishes to litigate this action he may refile it accompanied by the full \$400.00 filing fee.

The Clerk of the Court is directed to send a copy of this Memorandum Opinion to Hicks.

It is so ORDERED.

Date: *November 22, 2019*  
Richmond, Virginia

*/s/ REP*  
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Robert E. Payne  
Senior United States District Judge